

48A C.J.S. Judges § 95

Corpus Juris Secundum | August 2023 Update

Judges

Joseph Bassano, J.D.; Khara Singer-Mack, J.D.; Thomas Muskus, J.D.; Karl Oakes, J.D. and Jeffrey J. Shampo, J.D.

IV. Standards of Conduct; Restrictions and Prohibitions

B. Nature of Conduct Proscribed or Prohibited

1. In General

§ 95. Outside transactions or business

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Judges](#)  11(1), 11(2)

Under codes of judicial conduct a judge may be prohibited from serving as an officer, director, manager, advisor, or employee of any business.

Codes of judicial conduct may allow judges to conduct business, and to make a profit from that business, so long as the judge's business interests do not reflect adversely on his or her impartiality or involve the judge in frequent transactions with persons likely to come before his or her court.¹ Nevertheless, it is impermissible for a judge to have continuing financial and business dealings with a lawyer or firm who appears before the judge.²

Judges may be constitutionally forbidden from engaging in any employment that would interfere with their judicial responsibilities.³

By force of statute, a judge may be forbidden to carry on any business,⁴ and the performance of regular duties in the management of a business corporation constitutes engaging in business within the prohibition of such a statute⁵ even though the judge subsequently resigns his or her judicial office.⁶

Under codes of judicial conduct, a judge may be prohibited from serving as an officer, director, manager, advisor, or employee of any business.⁷ Continuation and management of a business after becoming a judge is not permitted where a divestment of the judge's business interests is not complete.⁸

Westlaw. © 2023 Thomson Reuters. No Claim to Orig. U.S. Govt. Works.

Footnotes

- 1 La.—*In re McInnis*, 769 So. 2d 1186 (La. 2000).
- 2 N.Y.—*Matter of Moynihan*, 80 N.Y.2d 322, 590 N.Y.S.2d 74, 604 N.E.2d 136 (1992).
W. Va.—*Matter of Means*, 192 W. Va. 380, 452 S.E.2d 696 (1994).
- 3 N.Y.—*Maron v. Silver*, 14 N.Y.3d 230, 899 N.Y.S.2d 97, 925 N.E.2d 899 (2010).
- 4 La.—*Babineaux v. Judiciary Commission*, 341 So. 2d 396 (La. 1976).
Nev.—*Matter of Davis*, 113 Nev. 1204, 946 P.2d 1033 (1997).
- 5 Mass.—*In re DeSaulnier*, 360 Mass. 787, 279 N.E.2d 296 (1972).
- 6 N.Y.—*McQuade v. Stoneham*, 263 N.Y. 323, 189 N.E. 234 (1934).
- 7 Ky.—*Walson v. Ethics Committee of Kentucky Judiciary*, 308 S.W.3d 205 (Ky. 2010).
N.C.—*In re Belk*, 364 N.C. 114, 691 S.E.2d 685 (2010).
Wash.— *In re Disciplinary Proceedings Against Anderson*, 138 Wash. 2d 830, 981 P.2d 426 (1999), as amended, (Aug. 12, 1999).
- 8 La.—*In re Johnson*, 683 So. 2d 1196 (La. 1996), on reconsideration on other grounds, 689 So. 2d 1313 (La. 1997).